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12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA
14 SOUTHERN DIVISION
15

16 UNITED STATES OF AMERICA,
17 Plaintiff,
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19 v.
20 PETER OJEDA, et al.,
21 Defendants.
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Case No. SA CR 11-148-JVS

ORDER (1) CONTINUING TRIAL AND
PRE-TRIAL STATUS CONFERENCE, AND
(2) DESIGNATING EXCLUDABLE TIME
PERIODS UNDER SPEEDY TRIAL ACT

NEW TRIAL DATES

TRIAL: April 21, 2015

PTC: April 6, 2015

23 The Court has received, read, and considered the Stipulation of
24 plaintiff United States of America and defendants PETER OJEDA,
25 ALBERTO VARGAS, DONALD AGUILAR, JACOBO HUANOSTO, THOMAS RODRIGUEZ,
26 TYRONE RYE, RICHARD GAONA, JOSEPH LARA, RAYMOND QUEVEDO, HECTOR
27 MORENO, RUBEN HERNANDEZ, MANUEL OCHOA, SUZIE RODRIGUEZ, VANESSA
28 MURILLO, NANCY OSORIO, ANA FUERTE, and JESSE COVARRUBIAS, by and

1 through their respective counsel of record, to continue the trial
2 and pre-trial conference and to designate excludable time under the
3 Speedy Trial Act, 18 U.S.C. § 3161.

4 In light of the Stipulation and good cause appearing thereon,
5 IT IS HEREBY FOUND AND ORDERED as follows:

6 1. In support of this Order, the Court hereby adopts as its
7 findings all of the facts set forth in the parties' Stipulation.

8 2. In accordance with 18 U.S.C. § 3161(h)(7), the Court finds
9 that (a) the failure to grant the requested continuance would deny
10 counsel for defendants the time reasonable and necessary for
11 effective trial preparation, taking into account the exercise of due
12 diligence; (b) the failure to grant the continuance would
13 unreasonably deny defendants continuity of counsel; (c) the failure
14 to grant the continuance would likely make trial of the case as
15 scheduled impracticable or result in a miscarriage of justice; and
16 (d) this case is so unusual and so complex, due to the nature of the
17 prosecution, the number of defendants, and the voluminous discovery
18 that it is unreasonable to expect preparation for pre-trial
19 proceedings or for the trial itself within the time limits
20 established by the Speedy Trial Act. Accordingly, the Court finds
21 that the ends of justice served by continuance of the trial date
22 outweigh the best interest of the public and defendants in a speedy
23 trial.

24 3. Based on the foregoing findings, the time from October 28,
25 2014 to April 21, 2015 is excludable from the computation of the
26 time within which trial of this action must commence under the
27 Speedy Trial Act.

1 4. In making these findings, the Court has noted and
2 considered defendant Humberto Serabia's objection to continuing the
3 trial to April 21, 2015. The Court nevertheless finds that a
4 continuance to April 21, 2015 and the findings of excludable time
5 under the Speedy Trial Act from October 28, 2014 to April 21, 2015
6 is reasonable and supported by the facts in this case. The finding
7 of excludable time applies to defendant Humberto Serabia because he
8 is joined with other defendants as to whom the time for trial has
9 not run and no motion for severance has been granted. See 18 U.S.C.
10 § 3161(h)(6); United States v. Butz, 982 F.2d 1378 (9th Cir. 1993)
11 (exclusion of time under Speedy Trial Act to one defendant applies
12 to all co-defendants).

13 5. Accordingly, as to all of the remaining defendants, the
14 trial of the above-captioned case is continued from October 28, 2014
15 to **Tuesday, April 21, 2015, at 8:30 a.m.** The pre-trial status
16 conference is continued from August 22, 2014 to **Monday, April 6,**
17 **2015, at 9:00 a.m.** Defendants are ordered to be present for the
18 above-scheduled trial.

19 6. Nothing in the parties' stipulation or this Order shall
20 preclude a finding that other provisions of the Speedy Trial Act

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dictate that additional time periods are excludable from the period within which trial must commence.

IT IS SO ORDERED.

Dated: June 30, 2014.



JAMES V. SELNA
UNITED STATES DISTRICT JUDGE

Respectfully submitted:

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